Roth, Jason

From: Morris, Craig
Sent: Tuesday, January 04, 2011 5:25 PM
To: Brown, Brian (TM)
Subject: FW: Small Business Study

From: Dan Brault (b)(6)
Sent: Monday, December 13, 2010 9:46 AM
To: TMFeedback
Subject: Small Business Study

Hello,

I am an agent with New York Life. I have not been target of any bullying but do know of at least one case locally. Rock Art Brewery was sued by Hanson energy drinks over the use of the word Vermonster, claiming that it was too much like Monster.

The trademark area seems to be an easy way for larger companies to try to squash small, upstart firms. Tort reform would seem like a good place to start. Small firms don't have the money to fight a long court battle against a large company. The large company should pay all legal fees for the small company if the small company wins the court battle. This would probably make it easier for the small company to get good counsel if the claim looks legitimate. I'm sure the lawyer would have his eyes on the wallet of the large company and may look forward to helping the small company.

I'm very much a capitalist but think too many lawyers and lawsuits are gumming up the works.

Thanks, dan

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